

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORCHID ISLAND TRS, LLC (formerly
known as Opteum Financial Services, LLC)
and BIMINI CAPITAL MANAGEMENT,
INC. (formerly known as Opteum Inc.)

Plaintiffs,

v.

INDYMAC BANCORP, INC. and
INDYMAC BANK, FSB,

Defendants.

07 Civ. 9550 (LLS)

**MOTION ON CONSENT TO ADMIT
COUNSEL PRO HAC VICE**

Pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, and with the consent of all parties, I, Robert Novack, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of

Kenneth J. Cesta
Edwards Angell Palmer & Dodge LLP
One Giralda Farms
Madison, New Jersey 07940
P: (973) 520-2300
F: (973) 520-2600

Kenneth J. Cesta is a member in good standing of the Bar of the State of New Jersey.

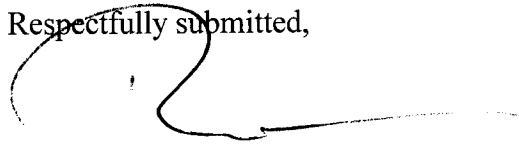
DEC 10 2007
925-635452
JC

2007 DEC 10 PM 1:16
CLERK OF COURT
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

There are no pending disciplinary proceedings against Kenneth J. Cesta in any State or Federal court.

Dated: December 6, 2007
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Robert Novack', written over a horizontal line.

Robert Novack (RN4514)
EDWARDS ANGELL PALMER & DODGE LLP
750 Lexington Avenue
New York, NY 10022
P: (212) 308-4411
F: (212) 308-4844

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Plaintiffs,

V.

INDYMAC BANCORP, INC. and
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Defendants.

07 Civ. 9550 (LLS)

**AFFIDAVIT OF ROBERT NOVACK
IN SUPPORT OF MOTION TO
ADMIT COUNSEL PRO HAC VICE**

STATE OF NEW JERSEY)) ss:
COUNTY OF MORRIS)

ROBERT NOVACK, being duly sworn, hereby deposes and says as follows:

1. I am a member of the bar of this Court and of the firm of Edwards Angell Palmer & Dodge LLP, which represents plaintiffs in this matter. I am familiar with the proceedings in this case and make this affidavit based on my personal knowledge of the facts as set forth herein and in support of plaintiffs' motion to admit Kenneth J. Cesta as counsel pro hac vice to represent plaintiffs in this matter.

2. I am a member in good standing of the bar of the State of New York and was admitted to practice law in the State of New York in 1985. I am also admitted to and am in good standing with the bar of the United States District Court for the Southern District of New York.

3. I have been a colleague of Mr. Cesta for several years. I know that he observes the highest standards of professionalism and of ethical conduct, is a skilled attorney experienced in Federal practice, and is familiar with the Federal Rules of Civil Procedure.

4. I have conferred with opposing counsel who represented to me that he consents to the relief requested by this motion.

5. Annexed hereto is the affidavit of Mr. Cesta, to which are annexed as exhibits certificates of good standing issued within the past 30 days by each state in which he is admitted to the bar.

6. I respectfully submit a proposed order granting the admission of Kenneth J. Cesta, *pro hac vice*, enclosed herewith.

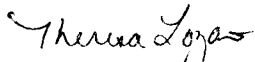
WHEREFORE it is respectfully requested that the motion to admit Kenneth J. Cesta, *pro hac vice*, to represent plaintiffs in the above captioned matter, be granted.

Dated: December 6, 2007
Madison, New Jersey

Respectfully submitted,


ROBERT NOVACK (RN4514)

Sworn to before me this
6th day of December, 2007



Notary Public

THERESA LOZANO
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 5/12/2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORCHID ISLAND TRS, LLC (formerly known as Opteum Financial Services, LLC) and BIMINI CAPITAL MANAGEMENT, INC. (formerly known as Opteum Inc.)

Plaintiffs,

V.

INDYMAC BANCORP, INC. and
INDYMAC BANK, FSB,

Defendants.

07 Civ. 9550 (LLS)

**AFFIDAVIT OF KENNETH J. CESTA
IN SUPPORT OF MOTION TO
ADMIT COUNSEL *PRO HAC VICE***

[illegible]

KENNETH J. CESTA, being duly sworn, hereby deposes and says as follows:

1. I am a partner with the law firm of Edwards Angell Palmer & Dodge LLP.
2. I submit this Affidavit in support of plaintiffs' motion for admission to practice *pro hac vice* in the above captioned matter.
3. As shown in the Certificates of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of New Jersey and the United States District Court for the District of New Jersey.
4. There are no pending disciplinary proceedings against me in any State or Federal court, and I have never been the subject of any disciplinary proceeding.

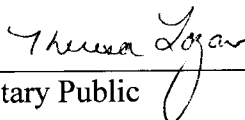
5. I have read and am familiar with (a) the provisions of the Judicial code (Title 28, U.S.C. which pertain to the jurisdiction of, and practice in, the United States District Court; (b) the Federal Rules of Civil Procedure; (c) the Federal Rules of Evidence; (d) the Local Rules of the United States District Court for the Southern District of New York; and (e) the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York, and will faithfully adhere thereto.

Dated: December 6, 2007
Madison, New Jersey

Respectfully submitted,


Kenneth J. Cesta (KJC2389)

Sworn and subscribed to before
me this 6th day of December 2007


Notary Public

THERESA LOZANO
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 5/12/2010

EXHIBIT A

Certificate of Good Standing



United States of America

District of New Jersey

I, WILLIAM T. WALSH, Clerk of the United States District Court for the District of New Jersey, do hereby certify that:

Kenneth J. Cesta

was duly admitted to practice in said Court as of December 22, 1986, and is in good standing as a member of the Bar of said Court.

*Dated at Newark, New Jersey
on: November 29, 2007*

WILLIAM T. WALSH, CLERK

By


Carey P. Carlisle, Deputy Clerk

Supreme Court of New Jersey

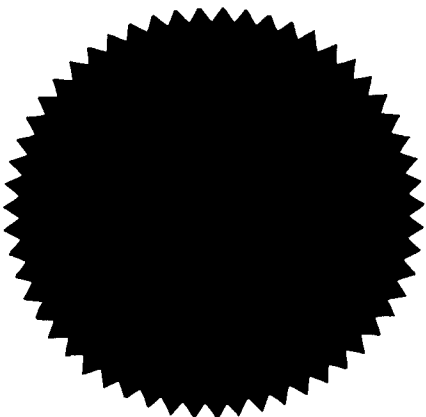


Certificate of Good Standing

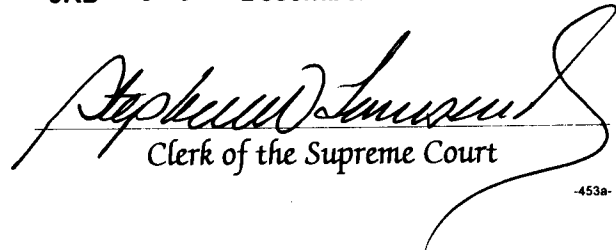
This is to certify that **KENNETH JOHN CESTA**
(No. **028231986**) was constituted and appointed an Attorney at Law of New
Jersey on **December 22, 1986** and, as such,
has been admitted to practice before the Supreme Court and all other courts of this State
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"
if the Court's records reflect that the attorney: 1) is current with all assessments
imposed as a part of the filing of the annual Attorney Registration Statement, including,
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not
resigned from the Bar of this State; and 4) has not been transferred to Disability
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to
practice law in this State.*



In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
3RD day of December, 20 07


Clerk of the Supreme Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORCHID ISLAND TRS, LLC (formerly known as Opteum Financial Services, LLC) and BIMINI CAPITAL MANAGEMENT, INC. (formerly known as Opteum Inc.)

Plaintiffs,

V.

INDYMAC BANCORP, INC. and
INDYMAC BANK, FSB,

Defendants.

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ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION

Upon the motion of Robert Novack, attorney for Plaintiffs Orchid Island TRS, LLC (f/k/a Opteum Financial Services, LLC) and Bimini Capital Management, Inc. (f/k/a Opteum Inc.), and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Kenneth J. Cesta
Edwards Angell Palmer & Dodge LLP
One Giralda Farms
Madison, NJ 07940
P: (973) 520-2300
F: (973) 520-2600
kcesta@eapdlaw.com

is admitted to practice *pro hac vice* as counsel for the Plaintiffs Orchid Island TRS, LLC (f/k/a Opteum Financial Services, LLC) and Bimini Capital Management, Inc. (f/k/a Opteum Inc.), in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court.

including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: New York, NY
December __, 2007

United States District/Magistrate Judge

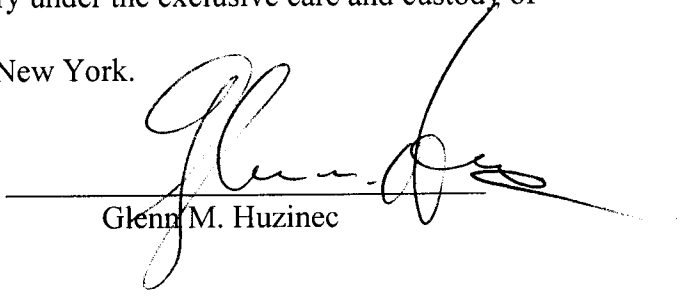
AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

Glenn M. Huzinec, being duly sworn deposes and says: I am over 18 years of age,
and I am not a party to the within action, and I am employed by Edwards Angell Palmer &
Dodge LLP. On the 12th day of December, 2007, I served the within Motion on Consent to
Admit Counsel Pro Hac Vice upon:

Michael Esward Johnson
Alston & Bird, LLP
90 Park Avenue
New York, NY 10016

by depositing true and exact copies of the above mentioned documents, enclosed in a post-paid
properly addressed envelope, in an official depository under the exclusive care and custody of
the United States Postal Service within the State of New York.



Glenn M. Huzinec

Sworn to before me this
12th day of December, 2007



Notary Public

RORY J. McEVoy
Notary Public, State of New York
No. 4748144
Qualified in New York County
Commission Expires July 31, 2009
2009